

Amendment One To: Request for Quotes 125Kw Generator

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
1141 BAYVIEW AVENUE
BILOXI, MISSISSIPPI 39530

Contact: Erin Gallagher – Procurement@dmr.ms.gov

THIS IS AMENDMENT ONE TO REQUEST FOR QUOTES. YOU MUST ACKNOWLEDGE THIS AND ALL FUTURE AMENDMENTS ON THE AMENDMENT DOCUMENT BY SIGNING, DATING AND RETURNING SAME WITH YOUR QUOTE SUBMISSION OR, IF YOUR QUOTE HAS ALREADY BEEN SUBMITTED, BY LETTER. YOUR ACKNOWLEDGMENT OF ALL AMENDMENTS MUST BE RECEIVED BY THE MDMR BY THE TIME FOR RECEIPT OF QUOTES.

1. The transfer switch that is currently in place is manual. In order for the generator to turn on without persons being present an automatic switch is needed.
 - An automatic switch **will not** be replacing the manual switch at this point in time.

INSTRUCTIONS TO BIDDERS

PART 1 - GENERAL

- 1.01 **QUESTIONS:** Questions should be directed to the Owner. Should a Bidder find discrepancies in, or omissions from, the Drawings or Project Manual, or be in doubt as to their meaning, the Bidder should immediately notify the Using Agency. The Owner will send written instruction(s) or interpretation(s) to all known holders of the documents. Neither the Owner, nor the Using Agency, will be responsible for any oral instruction or interpretation.
- 1.02 **BIDDER'S QUALIFICATIONS:**
- A. **Certificate of Responsibility:** The Mississippi State Board of Contractors is responsible for issuing Certificates of Responsibility to Contractors. To be awarded a Contract for public work, Sections 31-3-15 and 31-3-21 of the **Mississippi Code** require a Contractor to have a current Certificate of Responsibility at bid time and during the entire length of the job. The Certificate of Responsibility number issued becomes a significant item in all public bidding.
 - B. **Bid Under \$50,000:** If a Bidder submits a bid not exceeding \$50,000, no Certificate of Responsibility number is required; however, a notation stating the *bid does not exceed \$50,000* must appear on the face of the envelope, or a Certificate of Responsibility number.
 - C. **Bid Over \$50,000:** Each Bidder submitting a bid in excess of \$50,000 must show its Certificate of Responsibility number on the bid and on the face of the envelope containing the bid.
 - D. **Joint Venture Bid:** When multiple Contractors submit a joint venture bid in excess of \$50,000, a *joint venture* Certificate of Responsibility number must be shown on the bid and on the face of the envelope containing the bid. If the Multiple-Contractor joint venture has no *joint venture* Certificate of Responsibility number, each of the Contractors participating in the bid must indicate their individual Certificate of Responsibility numbers on the bid and on the face of the envelope.
- 1.03 **NON-RESIDENT BIDDER:** When a non-resident Bidder (a Contractor whose principal place of business is outside the State of Mississippi) submits a bid for a Mississippi public works project, one of the following is required and shall be submitted with the Proposal Form:
- A. **Copy of Law:** If the non-resident Bidder's state has a resident Bidder preference law, a copy of that law shall be submitted with the Proposal Form.
 - B. **Statement:** If the state has no such law then a statement indicating *the State of (Name of State) has no resident Contractor preference law* shall be submitted with the Proposal Form.
- 1.04 **DISQUALIFICATION OF BIDDER:** A Bidder may be disqualified for any of the following reasons: (see 600.53)
- A. Failure to comply with the bid requirements.
 - B. Bidder is in arrears on existing Contracts with the Owner or another state agency.
 - C. Bidder is, or anticipates being, in litigation or arbitration with the Owner or another state agency.
 - D. Bidder has defaulted on a previous Contract.

- 1.05 **CONDITIONS OF WORK:** Each Bidder must fully inform himself of all conditions relating to the construction of the Project and employment of labor thereon. Failure to do so will not relieve a successful Bidder of obligations to furnish all material and labor necessary to carry out the provisions of the Contract. Insofar as possible, the Bidder must employ methods, or means, which will not cause interruption of, or interference with, the work of any other Bidder, or Contractor.
- 1.06 **EXAMINATION OF SITE:** All Bidders, including the general Contractor and Subcontractors, shall visit the building site, compare the Drawings and Project Manual with any work in place and be informed of all conditions. Failure to visit the site will in no way relieve the successful Bidder from furnishing any materials or performing any work required to complete work in accordance with Drawings and Project Manual without additional cost to the Owner.
- 1.07 **LAWS AND REGULATIONS:** The Bidder's attention is directed to the fact that all applicable Mississippi state laws, rules and regulations of all authorities having jurisdiction over construction of the Project apply to the Contract.
- 1.08 **OBLIGATION OF BIDDER:** At the bid opening, each Bidder will be presumed to have inspected the site, read and become thoroughly familiar with the Drawings and the Project Manual, including all addenda.
- 1.09 **BID DOCUMENT DEPOSIT AND RETURN:** The deposit amount is indicated in the Advertisement for Bids. Upon returning the documents to the Owner within ten (10) days of the bid date and in good condition, all document holders will be refunded one-half (1/2) of the deposit. Further, any general contractor submitting a bid and all mechanical and/or electrical Subcontractors will be refunded one hundred percent (100%) of the deposit on one (1) set and fifty percent (50%) for each additional set. No partial sets of documents will be issued. Selected plan rooms will be issued one (1) set of documents without charge.

PART 2 - PROPOSAL FORM

- 2.01 **METHOD OF BIDDING:** Lump sum, single bids received on a general contract will include general, mechanical and electrical construction and all work shown on Drawings or specified in the Project Manual.
- 2.02 **PROPOSAL FORMS:** The Bidder shall make all proposals on forms provided and shall fill all applicable blank spaces without interlineations or alteration and must not contain recapitulation of the work to be done. No oral or telegraphic proposals will be considered.
- 2.03 **TIME OF COMPLETION:** The Bidder shall agree to commence work on, or before, a date specified in a written *Notice to Proceed* and fully complete the Project within the calendar days indicated on the Proposal Form.
- 2.04 **BASE BID AND ALTERNATES:**
- A. On the Proposal Form, the Bidder shall write out the Base Bid amount in words and include the numerical amount. The written word shall govern.
 - B. The Proposal Form shall contain a brief description of each alternate modifying the scope. The Bidder shall

write out the amount in words and include the numerical amount for each alternate. The written word shall govern. Refer to Section 01030 entitled *Alternates* for additional information.

2.05 **SUBSTITUTIONS:** No substitutions, qualifications or redefining of the Specification requirements are allowed to be marked on the Proposal Form, unless specifically required by the Bid Documents. Refer to Section 01630 entitled *Substitutions and Product Options* which covers procedures after the award of Contract.

2.06 **ADDENDA:** Any addenda to the Drawings or Project Manual issued before or during the time of bidding shall be included in the proposal and become a part of the Contract. The Proposal Form will have ample space to indicate the receipt of addenda. When completing the Proposal Form, the Bidder shall list the Addendum number and the date received in spaces provided.

2.07 **BIDDER IDENTIFICATION:**

A. **Signature:** The Proposal Form shall be signed by any individual authorized to enter into a binding agreement for the Business making the bid proposal.

B. **Name of Business:** The name appearing on the Proposal Form should be the complete spelling of bidder's name exactly as recorded at the Secretary of State
[\[http://www.sos.state.ms.us/busserv/corp/soskb/csearch.asp\]](http://www.sos.state.ms.us/busserv/corp/soskb/csearch.asp) which should be the same as used in bidder's application with the Mississippi State Board of Contractors [\[http://www.msdoc.us/Search2.CFM\]](http://www.msdoc.us/Search2.CFM) (see 2.07, 3.01, 5.01, proposal form).

C. **Legal Address:** The address appearing on the Proposal Form should be the same address recorded with the Secretary of State [\[http://www.sos.state.ms.us/busserv/corp/soskb/csearch.asp\]](http://www.sos.state.ms.us/busserv/corp/soskb/csearch.asp) which should be the same as used in bidder's application with the Mississippi State Board of Contractors [\[http://www.msdoc.us/Search2.CFM\]](http://www.msdoc.us/Search2.CFM).

D. **Certificate of Responsibility Number(s):** The Certificate of Responsibility Number(s) appearing on the Proposal Form should be the same number appearing in the current Mississippi State Board of Contractors Roster.

2.08 **BID SECURITY:** The Bid Security shall be in the form of a Bid Bond, or a Certified Check: (modified Dec 2013) (see also 4.07 herein)

A. **Bid Bond:** The Bidder may submit a Bid Bond by a Surety licensed in Mississippi in the amount of five percent (5%) of the base bid. The Bid Bond shall be duly executed by the Bidder, a Mississippi Licensed Agent for said Surety approved by the Mississippi Insurance Department OR signed by the Surety AND countersigned by a Mississippi Licensed Agent for said Surety approved by the Mississippi Insurance Department. http://www.mid.state.ms.us/licapp/search_main.aspx (No standard form is required for the Bid Bond.)

B. **Certified Check:** The Bidder may submit a certified check made out to the Owner in the amount of five percent (5%) of the base bid. All checks received from Bidders will be returned upon request, unless a Bidder is one (1) of the three (3) apparent low Bidders. The three (3) apparent low Bidder's checks will be held for forty-five (45) days, unless a Contract is awarded and executed in less time.

- 2.09 **POWER OF ATTORNEY:** Each bid security must be accompanied by an appropriate Power of Attorney. No Power of Attorney is necessary with a certified check.

PART 3 - SUBMITTING THE PROPOSAL FORM

- 3.01 **SUBMITTAL:** A bid must be delivered to the address indicated on the Advertisement for Bids prior to the time and date stated. Only one original of the Bid Proposal shall be submitted which should be sealed in an opaque envelope marked, and mailed or hand-delivered as follows: (beginning 1/1/09 and for a reasonable time period, a duplicate copy will not disqualify your bid, but the second copy, without comparison, will be destroyed in the bid opening, not read aloud nor used thereafter, in order to prevent inadvertent differences in the duplicate forms): (also see 600.42)

(In upper left hand corner)

Name of Firm (complete spelling of bidder's name and address – exactly as recorded at the Secretary of

State which should be the same as you applied for at the Mississippi State Board of Contractors – see 2.07, 3.01, 5.01)

(Bid shall be addressed and delivered to)

Mississippi Department of Marine Resources

Attn: Erin Gallagher, Procurement Director

1141 Bayview Avenue

Biloxi, MS 39530

(In lower left hand corner)

Bid for RFx No:

Title: Generator 125Kw

Using Agency: Mississippi Department of Marine Resources

Certificate of Responsibility # _____ (for over \$50,000.00)

Under \$50,000.00 (add statement)

If the Bid is mailed, the bid envelope shall be placed inside a second envelope to prevent inadvertent premature opening of the Proposal.

- 3.02 **MODIFICATION TO BID:** A bidder may modify the bid prior to the scheduled closing time indicated in the Advertisement for Bids in the following manner:

- A. **Notification on Envelope:** A modification may be written on the outside of the sealed envelope containing the bid.
- B. **Facsimile:** A facsimile (fax) will not be acceptable.

3.03 **WITHDRAWAL OF BID:** Any bid may be withdrawn prior to the scheduled time for opening of bids. However, bids may not be withdrawn until forty-five (45) days after bid opening.

PART 4 - BID OPENING AND AWARD OF CONTRACT

4.01 **OPENING OF BIDS:** Bids will be publicly opened shortly after the time stated in the Advertisement for Bids. Bidder representatives are invited; however, attendance is not mandatory.

Closure of agency preventing the opening of bids at the advertised date and time due to Force Majeure Event reasons will result in bids being publicly opened . . . on the next business day that the agency shall be open and at the previously advertised time.

4.02 **IRREGULARITIES:** The omission of any information requested on the Proposal Form may be considered as an informality, or irregularity, by the awarding public body when in their opinion the omitted information does not alter the amounts contained in the submitted bid proposal, or place other Bidders at a disadvantage.

4.03 **PROTEST:** Any protest must be delivered in writing to the Owner within twenty-four (24) hours after the bid opening.

4.04 **ERRORS:** Any claim of error and request for release from bid must be delivered in writing to the Owner within twenty-four (24) hours after the bid opening. The Bidder shall provide sufficient documentation with the written request clearly proving an error was made.

4.05 **AWARD OF CONTRACT:** The Owner reserves the right to reject any, or all bids. A Contract will be awarded on the basis of the low base bid, or low combination of base bid and those alternates selected by the Owner in any order determined to be in the best interest of the Using Agency and which produces a total within available funds.

4.06 **FAILURE TO ENTER INTO A CONTRACT:** The Bidder shall forfeit the Bid Security to the Owner as liquidated damages for failure, or refusal, to execute and deliver the Contract, Bond and Certificate of Insurance within ten (10) working days after notice of the acceptance of the bid/receipt of Contract(s) from the Owner.

4.07 **SECURITY FOR FAITHFUL PERFORMANCE:** (see also 2.08)

Simultaneously, with delivery of the executed Contract, the Contractor will furnish a Surety Bond, or Bonds, as security for faithful performance, the payment of all persons performing labor on the project, and furnishing

materials in connection with this Contract. The Surety on such Bond, or Bonds, will be a duly authorized surety company satisfactory to the Owner and meeting all of the following requirements:

- A. Licensed at the time of award by the State of Mississippi's Commissioner of Insurance for the purpose of providing surety. http://www.mid.state.ms.us/licapp/search_main.aspx
- B. Listed at the time of award in the Department of the Treasury's **Federal Register** as a company holding certificates of authority as acceptable sureties on Federal Bonds, commonly referred to as the Treasury List.
- C. All Bonds shall be executed on the form provided in the Project Manual under Section 00600 entitled *Contract Bond*.
- D. The Contract Bond shall be duly executed by the Bidder, a Surety licensed in Mississippi signed by a Mississippi Licensed Agent for said Surety approved by the Mississippi Insurance Department OR signed by the Surety AND countersigned by a Mississippi Licensed Agent for said Surety approved by the Mississippi Insurance Department with the name and address typed, or lettered legibly. (with embossed seal). http://www.mid.state.ms.us/licapp/search_main.aspx
- E. All Bonds must be accompanied by an appropriate Power of Attorney dated same as the Contract Bond.

X PART 5 - BIDDER'S CHECKLIST

The following checklist is for the Bidder's assistance only. It is not inclusive and **is not a part of the bid documents**; therefore, this checklist does not have to be included with the Proposal Form when submitting a bid proposal.

5.01 **PROPOSAL FORM:** (only one original proposal form to be submitted) (also see 3.01 and 600.42 of the BOB Manual)

Base Bid

() Write in the amount of the base bid in words and numbers. The written word shall govern.

Alternates

() Write in each alternates amount in words and numbers. The written word shall govern.

Addenda

() Acknowledge the receipt of each addendum by writing in the number of the addendum and the date received.

Acceptance

() Proposal is signed by authorized person

() Name of Business - complete spelling of bidder's name and address - exactly as recorded at the Secretary of State [<http://www.sos.state.ms.us/busserv/corp/soskb/csearch.asp>] which should be the same as bidder's application with the Mississippi State Board of Contractors [<http://www.msdoc.us/Search2.CFM>]

] (see 2.07, 3.01, 5.01, proposal form)

- () Legal address of the business listed above (at SOS and Contractor's Board)
- () Correct Certificate of Responsibility Number(s) as it appears in the current Mississippi State Board of Contractors Roster

Certificate of Responsibility Number(s) on envelope (see below for on proposal form)

- () Base Bid is under \$50,000 and no number is required
 - () Base Bid is under \$50,000 and the statement "bid does not exceed \$50,000" is on the outside of the sealed envelope
 - () Base Bid is over \$50,000 and number is required
 - () Joint Venture and *joint venture* number is required
- OR** () Joint Venture participants' numbers are required

5.02 BID SECURITY:

- () Included Bid Bond
- OR** () Included Certified Check

5.03 POWER OF ATTORNEY:

- () Included Power of Attorney

5.04 NON-RESIDENT BIDDER:

- () Attached a Copy of Non-Resident Bidder's Preference Law
- OR** () Attached a Statement

PROPOSAL FORM

SECTION 00300

To: Mississippi Department of Marine Resources
Attn: Erin Gallagher
1141 Bayview Avenue
Biloxi, MS 39530

Re: Project Title: Generator 125Kw
Location: Gulfport, MS

I propose to complete all work in accordance with the Request for Quotes within six (6) weeks of notice to proceed for the sum of:

BASE BID: (Write in the amount of the base bid in words and numbers. The written word shall govern.)

_____ Dollars
(\$_____)

ALTERNATES: (Write in the amount of all of the alternates in words and numbers. The written word shall govern.)

Alternate #1 () Adds () Deducts

_____ Dollars (\$_____)
Description

Alternate #2 () Adds () Deducts

_____ Dollars (\$_____)
Description

Alternate #3 () Adds () Deducts

_____ Dollars (\$_____)
Description

Alternate #4 () Adds () Deducts

_____ Dollars (\$_____)

Description

Alternate #5 () Adds () Deducts

_____ Dollars (\$_____)

Description

ADDENDA ACKNOWLEDGMENT: (date below can be the date Addendum was issued OR the date Addendum was received by Bidder)

No. _____ Date:

No. _____ Date:

No. _____ Date:

ACCEPTANCE:

I certify that I am authorized to enter into a binding contract, if this Proposal is accepted.

Signature _____

Date _____

Name and Title _____

Name of Business _____

Complete spelling of bidder's name and address - **exact as recorded at the Secretary of State**
[<http://www.sos.state.ms.us/busserv/corp/soskb/csearch.asp>] which should be the same as you applied for at the Mississippi State Board of Contractors [<http://www.msdoc.us/Search2.CFM>] (see 2.07, 3.01, 5.01) **PLEASE LOOK IT UP at SoS. SoS rules when the 2 are different.**

Address _____(mailing)

Address _____(physical)

City/State/Zip Code _____ County _____

Phone _____ Fax _____

Email _____

■ **Bidder's Certificate of Responsibility Numbers(s):**

■ **MINORITY BUSINESS ENTERPRISE?** Yes _____ No _____ (to assist with Code 57-1-57)

■ **Attach copy of Non-Resident Bidder's Preference Law (5.04 of Bidder's Checklist)**

■ **Mechanical / Plumbing / Electrical Contractors:** (modified Dec 2013 SoS per 10/17/12 Addendum 1 & Feb 2014) Regarding said Divisions of the Specifications of the BoB Standard Form of Agreement Between The Owner and The Contractor

List any Mechanical/Plumbing and/or Electrical Sub-Contractors that will perform work of this contract. COR must be included where sub-contract exceeds \$50,000.00. If no sub-contractor is listed, and such work is within scope of contract, bidder's own COR classification(s) must be sufficient to self-perform any such work. If no sub-contractor is listed, then use of sub-contractor to perform such scope will not be permitted. This is in accordance with 5.05 and 5.06 of the Bidder's Checklist revised below.

Mechanical Contractor: _____ Certificate of Responsibility No. _____

Plumbing Contractor: _____ Certificate of Responsibility No. _____

Electrical Contractor: _____ Certificate of Responsibility No. _____

■ **Mississippi Department of Agriculture & Commerce**
Bureau of Plant Industry
Landscape License Number _____ **MS Code 69-19-1 – 69-19-15**
↑Complete for prime landscaping projects

**The undersigned acknowledges receipt of this Amendment One issued on January 1, 2017 to:
Request for Quotes 125Kw Generator.**

Name and Title

Signature and Date